

FRIEDMAN, JAMES & BUCHSBAUM LLP

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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21 cv-7536

GREGORY ROBBINS,

Plaintiff,

-against-

KIRBY OFFSHORE MARINE
OPERATING, LLC,

Defendant.

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**PLAINTIFF DEMANDS
A TRIAL BY JURY**

COMPLAINT

**SEAMAN'S CASE UNDER
THE JONES ACT FOR
PERSONAL INJURIES**

**SUITS UNDER SPECIAL RULE FOR SEAMEN TO
SUE WITHOUT SECURITY OR PREPAYMENT OF
FEES FOR THE ENFORCEMENT OF THE LAWS
OF THE UNITED STATES, COMMON AND STAT-
UTORY FOR THE PROTECTION OF AND FOR
THE HEALTH AND SAFETY OF SEAMEN AT SEA**

Plaintiff GREGORY ROBBINS, complaining of the defendant KIRBY
OFFSHORE MARINE OPERATING, LLC, by his attorneys FRIEDMAN, JAMES &
BUCHSBAUM LLP, respectfully alleges as follows:

Jurisdiction and Venue:

1. This Court has jurisdiction pursuant to the Jones Act, 46 U.S.C. §§ 30104 et seq. (formerly codified at 46 U.S.C.A. § 688).

2. Venue is proper in this District pursuant to the Jones Act, 46 U.S.C. § 30104, as incorporating 45 U.S.C. § 56, in that defendant is doing business within this District; and/or that defendant has consented to be sued in this District.

3. At all relevant times, plaintiff GREGORY ROBBINS was a merchant seaman assigned to the Tugboat CAPE LOOKOUT.

4. At all times material hereto, defendant was and still is a corporation duly organized and existing under and by virtue of the laws of one of the States of the United States, and doing business within the State of New York, with a place of business at 3245 Richmond Terrace, Staten Island, NY 10303.

FIRST COUNT

Jones Act/Unseaworthiness vs. Defendant

5. Plaintiff repeats and reiterates each and every allegation contained in paragraphs 1 through 4 of this Complaint as if set forth at length herein.

6. At all times and dates hereinafter mentioned, defendant owned the Tugboat CAPE LOOKOUT.

7. At all times and dates hereinafter mentioned, defendant operated the Tugboat CAPE LOOKOUT.

8. At all times and dates hereinafter mentioned, defendant controlled the Tugboat CAPE LOOKOUT.

9. At all times and dates hereinafter mentioned, the plaintiff was a seaman and member of the crew of the Tugboat CAPE LOOKOUT and an employee of defendant.

10. That on or about October 18, 2018, without any fault on the part of the plaintiff, and wholly and solely by reason of the negligence, recklessness and carelessness of defendant, its agents, servants and/or employees, and by reason of the unseaworthiness of the Tugboat CAPE LOOKOUT, the plaintiff was caused to sustain injuries while performing his duties aboard aforesaid Tugboat CAPE LOOKOUT then in navigable waters of the United States and the State of Alabama.

11. As a result of the foregoing, the plaintiff was rendered sick, sore, lame and disabled and sustained severe permanent personal injuries, was and is internally and externally disabled causing him to suffer pain, and for a time he was prevented from attending to his daily labors, thereby losing sums of money which he otherwise would have earned as wages, and has endeavored to be cured of his injuries, and has expended sums of money to maintain himself, and will continue to endure pain and suffering, all to his damage.

12. By reason of the foregoing, plaintiff has been damaged in the sum of SIX MILLION (\$6,000,000.00) DOLLARS.

SECOND COUNT
Maintenance and Cure

13. Plaintiff repeats and realleges each and every allegation of the First Count in this Complaint as if fully set forth at length herein.

14. Plaintiff is entitled to maintenance, cure, and medical expenses for the period that he was disabled and unable to work in the total sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS.

THIRD COUNT
Failure to Provide Cure/Punitive Damages

15. Plaintiff repeats and realleges each and every allegation of the First and Second Counts in this Complaint as if fully set forth at length herein.

16. Defendant has unreasonably failed to provide cure, although defendant was aware of plaintiff's need for sufficient and immediate cure and/or failed to take any steps to understand the need for immediate and sufficient cure.

17. As a result of the foregoing including, but not limited to, the incompetence of the Administrative Office and the defendant's handling of plaintiff's maintenance and cure, for which defendant is responsible, plaintiff suffered severe and continuous pain and suffering.

18. By reason of the foregoing, plaintiff is entitled to compensation for maintenance and cure, punitive damages and reasonable attorneys' fees for defendant's unreasonably failing to provide said maintenance and cure.

WHEREFORE, plaintiff GREGORY ROBBINS demands judgment against defendant KIRBY OFFSHORE MARINE OPERATING, LLC in the First Count in the sum of SIX MILLION (\$6,000,000.00) DOLLARS; against defendant KIRBY OFFSHORE MARINE

OPERATING, LLC in the Second Count in the sum of FIVE HUNDRED THOUSAND (\$500,000.00) DOLLARS; and against defendant KIRBY OFFSHORE MARINE OPERATING, LLC in the Third Count in a sum to be determined at trial, together with interest and costs.

Dated: New York, New York
September 9, 2021

FRIEDMAN, JAMES & BUCHSBAUM LLP
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